

BRANSTETTER, KILGORE, STRANCH & JENNINGS

ATTORNEYS AT LAW

227 SECOND AVENUE NORTH

FOURTH FLOOR MAY -4 PM 3:31

NASHVILLE, TENNESSEE 37201-1631

TELEPHONE  
(615) 254-8801

FACSIMILE  
(615) 255-5419

CECIL D. BRANSTETTER, SR.  
C. DEWEY BRANSTETTER, JR.  
RANDALL C. FERGUSON  
R. JAN JENNINGS\*  
CARROL D. KILGORE  
DONALD L. SCHOLES  
JAMES C. STRANCH, III  
JANE B. STRANCH

MARK A. MAYHEW  
J. GERARD STRANCH, IV  
JOE P. LENISKI, JR.

\*ALSO ADMITTED IN GA

T.R.A. DOCKET ROOM

May 4, 2004

Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Pkwy  
Nashville, TN 37243-0505

*Via Hand Delivery*

Re Petition of On-Site Systems, Inc To Amend Its Certificate of Convenience and  
Necessity  
Docket No 03-00329

and

Petition of Tennessee Wastewater Systems, Inc To Amend Its Certificate of  
Convenience and Necessity  
Docket No 04-00045

Dear Chairman Tate

I have enclosed the original and fourteen copies of a Motion to Expedite Status Conference  
and Hearing in this consolidated matter Please return the extra copy of the Motion to me stamped  
filed

Thank you for your assistance in this matter

Sincerely yours,

*Donald L. Scholes*

DONALD L. SCHOLES

Enclosures

c Charles Pickney, Jr  
Mark Jendrek  
Charles B. Welch, Jr  
G. Scott Thomas

BKSJ File No 04-189

**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE:**

**PETITION OF ON-SITE SYSTEMS, INC. TO  
AMEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY**

**Docket No. 03-00329**

**and**

**PETITION OF TENNESSEE WASTEWATER  
SYSTEMS, INC. TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY**

**Docket No. 04-00045**

**MOTION TO EXPEDITE STATUS CONFERENCE AND HEARING**

At the Authority Conference on April 26, 2004, the Authority voted to grant the Petition to Intervene of East Sevier County Utility District in Docket No. 03-00329.<sup>1</sup> Because the parties in Docket No. 03-00329 are the same as the parties in Docket No. 04-00045 and because similar issues are involved, the Authority voted to consolidate these two dockets. Prior to the Authority Conference on April 26, 2004, Randall Gilliam had been appointed as hearing officer for Docket No. 04-00045. Therefore, the Authority appointed Mr. Gilliam as hearing officer for this consolidated docket.

The Authority granted the petition of On-Site Systems, Inc., now Tennessee Wastewater Systems, Inc., (the Company) in Docket No. 03-00329 on October 21, 2003. The Final Order

---

<sup>1</sup> Because the Authority only granted a Petition to Intervene in Docket No. 03-00329, the Company believes that it has a certificate to serve the area set forth in Docket No. 03-000329 until the Authority takes action to the contrary in this consolidated docket.

granting the Petition was not entered by the Authority until over five months later on March 24, 2004. The Company made inquiries to the Authority Staff about when the Final Order would be issued because the Company was negotiating with developers who were ready to get their developments approved about sewer service. The Company was assured that the Final Order would be issued soon.

Based upon the action taken at the October 21, 2003 and the subsequent assurances from the Authority Staff, the Company began to discuss the provision of sewer service with developers in Sevier County who needed sewer service for their developments. The owner of the Legacy Mountain development in Sevier County has proceeded with the design of the sewer system based upon the action taken on October 21, 2003. The Company has a verbal agreement with the developer of a development known as Trailhead for an 80 unit condo project in Sevier County.

By granting the intervention of East Sevier County Utility District in Docket No. 03-00329, the Authority has placed the Company and these developers in a precarious position in regard to sewer service to these developments. The developers of the Legacy Mountain and Trailhead developments have proceeded with the process to obtain approval their developments and have expended additional money on these projects based upon the Authority's action taken on October 21, 2003. These developers are very concerned about a delay in their projects as a result of the grant of the intervention of East Sevier County Utility District in Docket No. 03-00329.

Therefore, the Company requests that the Hearing Officer proceed as quickly as possible with the status conference on this consolidated docket and with a hearing, if he deems a hearing must be held, in this consolidated docket. These developers must have assurance that sewer

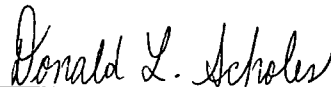
service is available for their developments. They have already expended funds to have the developments approved based upon the availability of sewer service as granted by the Authority on October 21, 2003.

In addition, the Company has verbally agreed to provide sewer service to developments known as Starr Crest II, Phase 4, Black Bear Ridge, Laurel Branch North, Legacy Homes Barnes site and Timber Tops Rental Center pending a decision in Docket No. 04-00045. Unless the Authority acts in this docket in a timely fashion, these developers will not be able to move forward with their projects.

Therefore, the Company requests that a status conference be held in this consolidated docket as soon as possible and that the Hearing Officer set a schedule to have any hearing deemed necessary in this case set as soon as possible.

Dated this 4th day of May, 2004.

Respectfully submitted,



---

DONALD L. SCHOLES, # 10102  
Branstetter, Kilgore, Stranch & Jennings  
227 Second Avenue North, 4th Floor  
Nashville, Tennessee 37201-1631  
(615) 254-8801 - Telephone  
Attorney for Tennessee Wastewater Systems, Inc.

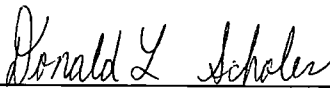
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above and foregoing Motion has been served upon the following persons on this 4<sup>th</sup> day of May, 2004 by U.S. Mail, postage prepaid:

Mark Jendrek  
Mark Jendrek P.C.  
Post Office Box 549  
Knoxville, TN 37901

Charles B. Welch, Jr.  
Farris, Matthews, Branan, Bobango & Hellen, PLC  
618 Church Street, Suite 300  
Nashville, TN 37219

G. Scott Thomas  
Bass, Berry & Sims, PLC  
AmSouth Center  
315 Deaderick Street, Suite 2700  
Nashville, TN 37238

  
\_\_\_\_\_  
DONALD L. SCHOLES